

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,

v.

JOSEPH M. WALLS,

Defendant.

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I.D. No. 86001399DI

Date Submitted: July 31, 2018

Date Decided: July 31, 2018

ORDER

Upon consideration of Defendant's Letter Motion for injunctive relief;¹ the facts, arguments, and legal authorities set forth in Defendant's Letter Motion; the State's Response;² statutory and decisional law; and the record in this case, **IT APPEARS THAT:**

1. Defendant is currently serving a life sentence plus 89 years, with the possibility of parole, for charges of Burglary, Robbery, Kidnapping, Conspiracy, Assault, and Possession of a Deadly Weapon During the Commission of a Felony. On behalf of himself and another inmate, Defendant complains of the Department of Correction's ("DOC") "new

¹ D.I. 178. Defendant's Letter, filed on June 5, 2018, effectively asks the Court to enjoin the DOC from searching inmate property for security purposes.

² D.I. 181.

policy” to confiscate and read all inmates’ legal documents.³ He asks the Court to enjoin such DOC action.

2. Defendant has failed to file his letter under a specific Superior Court Criminal Rule,⁴ and a DOC investigation based upon Defendant’s letter reveals no DOC staff instruction to confiscate and read all inmates’ legal documents.⁵
3. Even assuming *arguendo* that the Court has the authority to issue the injunctive relief sought by Defendant,⁶ to obtain injunctive relief “the moving party must demonstrate a reasonable probability of success on the merits, that absent injunctive relief irreparable harm will occur, and that the harm the moving party will suffer if the requested relief is denied outweighs the harm the opponents will suffer if relief is granted.”⁷ The burden on the moving party is rigorous; injunctive relief is extraordinary.⁸

³ D.I. 178. Defendant may not advocate on behalf of another inmate. *See United State v. Miller*, 726 F. App’x 107, 108 (3d Cir. 2018).

⁴ *Alley v. State*, 2016 WL 3563490, at *1 n. 4 (Del. 2016) (TABLE) (“The Superior Court Rules prohibit the filing of [] miscellaneous motions....”).

⁵ D.I. 181.

⁶ *See Voss v. Green*, 389 A.2d 273, 275 (Del. Super. June 29, 1978) (“If defendants are entitled to injunctive relief, it must be found in the Court of Chancery and not in this Court. It is regrettable that litigants cannot be afforded appropriate relief in a single Court, but this is the product of the bifurcated judicial system which is in effect in Delaware.”).

⁷ *Hollinger Inc. v. Hollinger Int’l, Inc.*, 858 A.2d 343, 371 (Del. Ch. July 29, 2004).

⁸ *See Frazer v. Worldwide Energy Corp.*, 1987 WL 8739, at *5 (Del. Ch. Feb. 19, 1987).

4. Furthermore, the intractable matters in prison administration demands considerable caution when reviewing a request for injunctive relief in the prison context.⁹ It is well-settled that:

DOC has the expertise and experience to manage the day to day activities within the prisons. Courts defer to both the legislature and executive branches with respect to policies within the prison institutions, including discipline guidelines, grievance procedures and the administration of inmates in general. The Court does not oversee or direct the prison system. The Court's obligation is to simply protect inmates' constitutional or statutory rights, and it will not assume the role of an administrator of the numerous grievances filed by unhappy prisoners.¹⁰

5. Defendant has not produced evidence of irreparable harm, nor does the record support a likelihood of success on the merits. Searches of cells and inmate property are necessary for institutional security.¹¹

NOW, THEREFORE, IT IS HEREBY ORDERED that Defendant's motion for injunctive relief, via his Letter filed on June 5, 2018, is **DENIED**.



Jan R. Jurden, President Judge

Original to Prothonotary:
cc: Joseph Walls (SBI# 107897)

⁹ See *Wood v. Collison*, 2014 WL 3587535, at *1 (Del. Super. July 22, 2014).

¹⁰ *Id.* (citing *Ross v. Dep't of Corr.*, 722 A.2d 815, 820 (Del. Super. Feb. 27, 1998)).

¹¹ See *id.* at 2.